

SENATE JOINT RESOLUTION 34

By Summerville

A RESOLUTION to amend Article XI of the Constitution of Tennessee, relative to discrimination and preferences in government.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article XI of the Constitution of the State of Tennessee be amended by adding the following as a new Section:

The state shall not discriminate nor grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of all aspects of public employment, public education or public contracting.

Nothing in this section shall be construed to:

Prohibit bona fide occupational qualifications based on sex that are reasonably necessary for the normal and efficient operation of public employment, public education or public contracting;

Invalidate any court order or consent decree that is in full force and effect on the date that ratification of this section by the people is certified by the secretary of state; or

Prohibit action required to be taken to establish or maintain eligibility for any federal program or federally-funded program where ineligibility would result in a loss of federal funds to the state.

The remedies available for a violation of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin.

As used in this section:

“Sex” means only the male or female designation shown on a person's birth certificate; and

“State” means the state of Tennessee, any political subdivision thereof, all public higher education systems, including the University of Tennessee system, the board of regents, all school districts and any other entity or instrumentality of the state that derives its authority from the state.

Any right of action arising under this section, unless mediated by the parties, shall only be brought in a court of competent jurisdiction.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Ninth General Assembly and that this resolution proposing such amendment be published in compliance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver copies of this resolution to the secretary of state.